

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NAYA L. ABBEY, et al.,

Plaintiffs,

v.

METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,
et al.,

Defendants.

Case No. 3:23-cv-00300

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

ORDER

Pro se Plaintiff Naya L. Abbey filed this action on behalf of herself and her minor son David Immanuel Hernandez on April 3, 2023. (Doc. No. 1.) Chief Judge Crenshaw granted Abbey in forma pauperis status (Doc. No. 5) and, on June 8, 2023, appointed James P. Catalano to mediate the case (Doc. No. 16). Soon thereafter, Abbey filed three amended complaints (Doc. Nos. 18, 19, 20), which Defendant Metropolitan Nashville Tennessee has moved to dismiss (Doc. No. 21). No mediation has taken place.

A parent who is not acting as an attorney cannot appear on behalf of her minor child in litigation “because a minor’s personal cause of action is [his] own and does not belong to [his] parent or representative.” *Shepherd v. Wellman*, 313 F.3d 963, 970 (6th Cir. 2002). Thus, Abbey cannot pursue claims on Hernandez’s behalf without representation by a lawyer. In consultation with Chief Judge Crenshaw, the Court therefore DIRECTS the Clerk of Court to appoint counsel from the Court’s Civil Appointments Panel to represent Abbey for the limited purpose of engaging in the previously ordered mediation.

At Chief Judge Crenshaw's direction, the pending motion to dismiss (Doc. No. 21) is ADMINISTRATIVELY TERMINATED without prejudice to being refiled after the mediation has taken place.

It is so ORDERED.


ALISTAIR E. NEWBERN
United States Magistrate Judge